

REMARKS

This Response After Final Rejection is being made in response to the Office Action mailed in this application on December 28, 2006. A Request for a One Month Extension of Time and a Notice of Appeal accompany this response. Claims 1 and 9-16 are pending in this application. Reconsideration of this application is respectfully requested.

Claims 1 and 9-16 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 3,842,996 (hereafter "Carlisle") in view of U.S. Patent No. 5,899,893 (hereafter "Dyer, et al."). Applicants respectfully traverse this rejection.

The present invention is concerned with a method of treating an acute wound using a wound dressing (as a substitute for a biological dressing or skin graft) wherein the wound dressing comprises highly absorbent fibers.

Applicants have found that by the use of absorbent fibers in the above method, fibrous dressings can be used as substitutes for biological dressings. Biological dressings are sophisticated and therefore tend to be expensive and carry the same risks of cross-contamination that are encountered with blood and blood products. The advantages of the new method embodied in applicants' claims include that the dressings can be used as a substitute for a biological dressing at lower cost and without the risk of contamination.

Carlisle, on the other hand, is concerned with pressure dressings. According to Carlisle, pressure dressings are fundamental in the preparation of wounds for skin grafting (column 6, lines 36 to 37). Carlisle does not, therefore, consider his dressing as a substitute for a biological dressing, but rather as a preparation for it. Carlisle would not, therefore, motivate the person of ordinary skill to use a fibrous dressing as a substitute for a biological dressing.

Further, dressings of Carlisle are dense, laminar dressings that wick laterally and bar the movement of exudate perpendicular to the plane of the dressing (column 3, lines 17-20). In use, the dressings of Carlisle are placed on the wound and at dressing change time, the dressings are removed by delaminating or soaking or providing the dressings with a wound contact layer that has the property of release from the wound. Dressing changes occur every 12 hours or so. Carlisle does not therefore suggest that

the dressings can be used in the manner of a biological dressing which is left in place in its entirety and undisturbed until the wound has healed. The differences between the method and dressing characteristics of Carlisle compared to Applicants' invention are shown particularly in the wording of Claim 13. Claim 13 has the method steps of: allowing the dressing to become adhered to the wound; leaving the dressing in place until it dries out to form a crust; and removing the dressing once the wound has healed. Carlisle does not disclose these steps and does not suggest them. Carlisle also does not teach vertical wicking as required by Applicants' claims 1 and 9-12. In contrast, Carlisle discloses only lateral wicking and does not suggest that there would be any advantage in vertical wicking.

Applicants' dressing and method are highly unusual in that, when used in the treatment of acute wounds as claimed, the dressing adheres to the wound. (See page 5, second paragraph). This type of behavior would usually only be seen with a biological dressing such as allograft, and it is a truly surprising discovery by the Applicants. It is illustrated particularly in Example 1, where it is described that the wound dressing dried out to form a crust as wound healing was in progress, and the dressing remained in place for 14 days. This method of use is very different from that contemplated in Carlisle where the emphasis is on the dressing being changed.

The action relies on Dyer, et al. to supply the deficiencies of Carlisle. However, there must be a suggestion in Carlisle to do so, and here there is none. While the Examiner argues at page 7 that there is ample motivation to combine Dyer, et al. and Carlisle to obtain a wound dressing that imparts vertical wicking, Applicants see no motivation for at least two reasons. First, Carlisle is concerned with pressure dressings. The dressings have a deep lamellar structure to give a highly dense dressing that is able to transmit pressure to the wound. For this reason, Carlisle selects its dressing materials carefully and specifically recites in claim 1 that the dressing should have limited compressibility. The limited compressibility means that the tape used to adhere the dressing to the wound can increase pressure application to the wound (column 1, lines 59-65). The dressing material of Dyer, et al. is a foam. It is well known that foams are highly compressible. A person having ordinary skill in the art would not, therefore, substitute the foam of Dyer, et al. for the lamellar dressing of Carlisle in order to improve

the Carlisle dressing as the combination would mean that the Carlisle dressing no longer functioned as a pressure dressing. Second, neither Dyer, et al. nor Carlisle disclose vertical wicking or that the property would have an advantage when used in a dressing on an acute wound.

At page 8 of the action, the Examiner argues that Applicants have not demonstrated any unexpected or superior results through the use of their wound dressing method steps over that of the prior art. Applicants disagree. Applicants' dressing and method are highly unusual in that when used in the treatment of acute wounds, the dressing adheres to the wound and forms a crust. This type of behavior would usually only be seen with a biological dressing such as allograft and is a truly surprising discovery. It is illustrated in Example 1, where it is described that the wound dressing dried out to form a crust as wound healing was in progress, and the dressing remained in place for 14 days.

Also on page 8 of the action, the Examiner argues that although the dressing of Carlisle must be saturated or provided with a wound contact layer to be removed, this does not impart patentability to the claims. However, Applicants made mention of this difference in method because Carlisle obviously removes the dressing before healing is complete unlike Applicants' method. Contrast Carlisle's saturating and wound contact layer and the method steps these imply with steps c) and d) of claim 13.

At page 9 of the Action, the Examiner argues that while Carlisle teaches lateral wicking rather than vertical wicking, Dyer, et al. demonstrates that it is well known to employ absorbent articles that have vertical wicking. Applicants disagree. Dyer, et al. does not demonstrate vertical wicking. The wicking in Dyer, et al. is the wicking of a vertically held strip of a test material against gravity. In relation to the wound, this wicking would be lateral, not perpendicular to the plane of the dressing. (See column 4, lines 9 to 11, column 7, lines 41 to 43 and column 24, line 63, through column 26, line 2). There is no disclosure of vertical wicking in Dyer, et al nor that the property of vertical wicking could be of an advantage when used to treat acute wounds.

The inventors of the present invention discovered that it is possible to treat burns by the use of a fibrous dressing that is able to vertically wick and becomes adhered to the wound. This behavior is truly surprising. Neither Carlisle nor Dyer, et al.

mention vertical wicking or that vertical wicking could be of an advantage in a dressing used to treat acute wounds. Neither Carlisle nor Dyer, et al. disclose the method of treating an acute wound with a dressing that vertically wicks as has been claimed by Applicants. For these reasons, Applicants believe that the claims are patentable over the cited documents.

For all these reasons, Applicants maintain that Carlisle does not disclose or make obvious the methods claimed in this application; Dyer, et al. does not overcome the deficiencies of Carlisle; and there is no motivation to combine the teachings of the two documents.

Accordingly, withdrawal of the rejection, favorable reconsideration of this application, and allowance of the pending claims, are all earnestly solicited.

Respectfully submitted,

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